

ESTTA Tracking number: **ESTTA571899**

Filing date: **11/20/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201083
Party	Defendant Twins Special LLC
Correspondence Address	DAVID M KOHN LEWIS KOHN & FITZWILLIAM LLP 10935 VISTA SORRENTO PARKWAY, SUITE 370 SAN DIEGO, CA 92130 UNITED STATES dkohn@lewiskohn.com
Submission	Answer
Filer's Name	Kari Moyer-Henry
Filer's e-mail	kmoyerhenry@lewiskohn.com
Signature	/KMH/
Date	11/20/2013
Attachments	Answer to Notice of Opposition.pdf(75491 bytes)

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2 **TRADEMARK TRIAL AND APPEAL BOARD**

3 In re Application Serial No. 85/116,041
4 Filed: August 25, 2010
5 For Mark: TWINS (and Design)
6 Published in the *Official Gazette*: February 15, 2011

7 MINNESOTA TWINS, LLC,

8 Opposer,

9 vs.

10 TWINS SPECIAL, LLC,

11 Applicant.

Opposition No.: 91201083

**APPLICANT'S ANSWER TO NOTICE
OF OPPOSITION**

12 Applicant Twins Special, LLC (hereinafter "Applicant"), for its answer to the Notice of
13 Opposition filed by Minnesota Twins, LLC (hereinafter "Opposer") against application for
14 registration of Applicant's trademark TWINS (and Design), Serial No. 85/116,041 filed August 25,
15 2010, and published in the Official Gazette of February 15, 2011 (the "Mark"), pleads and avers as
16 follows:

17 1. Applicant admits that Opposer owns the MINNESOTA TWINS MAJOR LEAGUE
18 BASEBALL club. Applicant denies each and every remaining allegation contained in ¶ 1.

19 2. Applicant is without sufficient information to admit or deny the allegations contained
20 in ¶ 2, and for that reason denies each and every such allegation.

21 3. Applicant admits that the registrations and applications listed in ¶ 3 speak for
22 themselves and admits to the allegations of ¶ 3 to that extent and on that basis.

23 4. Applicant is without sufficient information to admit or deny the allegations contained
24 in ¶ 4, and for that reason denies each and every such allegation.

25 5. Applicant is without sufficient information to admit or deny the allegations contained
26 in ¶ 5, and for that reason denies each and every such allegation.

27 6. Applicant admits the allegations contained in ¶ 6.

28 7. Applicant admits the allegations contained in ¶ 7.

 8. Applicant denies each and every allegation contained in ¶ 8.

Answer to Notice of Opposition

1 9. Applicant denies each and every allegation contained in ¶ 9.

2 **AFFIRMATIVE DEFENSES**

3 **First Affirmative Defense**

4 Opposer's Notice of Opposition fails to state a claim upon which relief can be granted,
5 and in particular fails to state legally sufficient grounds for sustaining the opposition.

6 **Second Affirmative Defense**

7 Applicant's Mark, when used for Applicant's goods, is not likely to cause confusion or to
8 cause mistake, or to deceive as to the affiliation, connection or association of Applicant with
9 Opposer, or as to the origin, sponsorship, or approval of Applicant's services by Opposer because,
10 *inter alia*, the Mark and the alleged trademark of Opposer are not confusingly similar including as
11 set forth in the Agreement. Applicant's use of the Mark will not mistakenly be thought by the
12 public to derive from the same source as Opposer's services, nor will such use be thought by the
13 public to be a use by Opposer or with Opposer's authorization or approval.

14 **Third Affirmative Defense**

15 Applicant hereby reserves its right to amend or add further affirmative defenses as
16 discovery progresses.


17 WHEREFORE, Applicant prays as follows that:

- 18 a) Opposer's opposition be dismissed; and
19 b) Registration for the Mark be issued to Applicant upon such dismissal and
20 proof of use in accord with 37 C.F.R. 2.88.

21 DATED: November 20, 2013

22 Respectfully submitted

23 By:

24 
25 DAVID M. KOHN
26 LEWIS KOHN & FITZWILLIAM LLP
27 Attorney for Opposer
28 10935 Vista Sorrento Pkwy., Ste. 370
29 San Diego, CA 92130
(858) 436-1330 (telephone)
(858) 436-1349 (facsimile)
dkohn@lewiskohn.com

1 **CERTIFICATE OF SERVICE**

2 This certifies that a true and correct copy of Applicant's Answer to Notice of Opposition was
3 served this 20th day of November, 2013, by First Class Mail and electronic transmission to
Opposer's counsel as follows:

4 Aryn M. Emert
5 Cowan, Liebowitz & Latman PC
6 1133 Avenue of the Americas
New York, NY 10036
ame@cjl.com

7 
8 _____
9 David M. Kohn